

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENNY HUBBARD,

Plaintiff,

v.

ARCHIE L. HAYMAN,

Defendant.

Case No. 07-12824

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on August 16, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On April 13, 2007, Plaintiff, a state prisoner currently confined at the Cotton Correctional Facility in Jackson, Michigan, filed a *pro se* Complaint pursuant to 42 U.S.C. § 1983 against the State of Michigan and Genesee County Circuit Court Judge Archie L. Hayman (“Defendant”). Plaintiff’s Complaint was filed in the United States District Court for the Western District of Michigan. On June 4, 2007, Plaintiff’s application to proceed without prepayment of the filing fee pursuant to 28 U.S.C. § 1915(a)(1) was granted by Magistrate Judge Ellen S. Carmody of the Western District. Subsequently, on July 3, 2007, United States District Judge Richard A. Enslen ordered that the State of Michigan be dismissed and the case transferred to this district pursuant to

28 U.S.C. § 1406(a). After being assigned to this case, the Court referred all pretrial proceedings to Magistrate Judge Charles E. Binder.

On July 19, 2007,¹ Magistrate Judge Binder issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s Complaint against Defendant be *sua sponte* dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).² On August 8, 2007, this Court received Plaintiff’s “Response to Magistrate Judge’s Report and Recommendation,” which was dated August 2, 2007. The Court will construe Plaintiff’s response as his objections to the R&R.

The parts of the R&R to which Plaintiff objects will be reviewed by the Court *de novo*. See FED. R. CIV. P. 72(b); *Thomas v. Halter*, 131 F. Supp. 2d 942, 944 (E.D. Mich. 2001). The Court, however, “is not required to articulate all of the reasons it rejects a party’s objections.” *Id.* (citations omitted); see also *Tuggle v. Seabold*, 806 F.2d 87, 92 (6th Cir. 1986).

Having thoroughly reviewed Plaintiff’s objections and Magistrate Judge Binder’s

¹On July 27, 2007, Magistrate Judge Binder’s R&R was remailed to Plaintiff with the correct address.

²28 U.S.C. 1915(e)(2)(B) provides in pertinent part:

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that –

(B) the action . . . –

(i) is frivolous or malicious;
(ii) fails to state a claim on which relief may be granted; or
(iii) seeks monetary relief against a defendant who is immune from such relief.

R&R, the Court finds no merit to any of Plaintiff's objections and does not find it necessary to address Magistrate Judge Binder's decision with respect to any of the recommended reasons for dismissal. Consequently, the Court concurs in Magistrate Judge Binder's analysis and will dismiss Plaintiff's Complaint.

Accordingly,

IT IS ORDERED, that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Magistrate Judge Charles E. Binder

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